

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

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THE BRINKMANN CORPORATION

*Appellant,*

v.

UNITED STATES INTERNATIONAL TRADE COMMISSION,

*Appellee,*

and

A&J MANUFACTURING, LLC, A&J MANUFACTURING, INC.,

*Intervenors.*

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**2015-1751**

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Appeal from the United States International Trade Commission in *Certain  
Multiple Mode Outdoor Grills And Parts Thereof*, Inv. No. 337-TA-895

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**THE BRINKMANN CORPORATION'S UNOPPOSED MOTION  
TO CORRECT THE CASE CAPTION**

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Appellant The Brinkmann Corporation (“Brinkmann”) hereby moves to reform the Official Caption as reflected on the electronic docket in this proceeding. As of August 24, 2015, Brinkmann’s corporate name has changed to Outdoor Direct Corporation (“Outdoor Direct”). The change is reflected by a

Certificate of Filing issued by the Office of the Secretary of State for Texas and a Certificate of Amendment to Articles of Incorporation of The Brinkmann Corporation. *See* Declaration of Gary A. Clark, ¶ 2 and Exs. A & B thereto.

In accordance with the Practice Notes to Federal Circuit Rule 12, Brinkmann/Outdoor Direct respectfully requests the Official Caption be reformed to correct the name of the Appellant, as follows:

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Counsel for Brinkmann/Outdoor Direct has discussed this motion with counsel for Appellee United States International Trade Commission and counsel for Intervenor A&J Manufacturing, LLC and A&J Manufacturing, Inc. The Appellee and Intervenor do not oppose this motion.

Dated: October 7, 2015

Respectfully submitted,

/s/ Gary A. Clark

GARY A. CLARK

BRIDGETTE A. AGNESS

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

333 South Hope Street, 43rd Floor

Los Angeles, CA 90071

(213) 620-1780

*Counsel for Appellant*

*Outdoor Direct Corporation*

*f/k/a The Brinkmann Corporation*

**DECLARATION OF GARY A. CLARK**

I, Gary A. Clark, principal attorney for Appellant The Brinkmann Corporation, declare as follows:

1. This declaration is made in connection with The Brinkmann Corporation's Unopposed Motion to Correct the Case Caption.

2. As of August 24, 2015, Brinkmann's corporate name has changed to Outdoor Direct Corporation. The change is reflected in a Certificate of Filing issued by the Office of the Secretary of State for Texas ("Certificate of Filing") and a Certificate of Amendment to Articles of Incorporation of The Brinkmann Corporation ("Certificate of Amendment"). Attached hereto as Exhibits A and B, respectively, are true and correct copies of the Certificate of Filing and the Certificate of Amendment.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 7, 2015.

/s/ Gary A. Clark

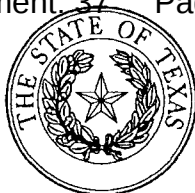
Gary A. Clark

*Attorney for Appellant*

*Outdoor Direct Corporation*

*f/k/a The Brinkmann Corporation*

# **EXHIBIT A**



## Office of the Secretary of State

August 25, 2015

Corporation Service Company  
211 E. 7th Street, Suite 620  
Austin, TX 78701 USA

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RE: OUTDOOR DIRECT CORPORATION  
File Number: 36658500

It has been our pleasure to file the Certificate of Amendment for the referenced entity. Enclosed is the certificate evidencing filing. Payment of the filing fee is acknowledged by this letter.

If we may be of further service at any time, please let us know.

Sincerely,

Corporations Section  
Business & Public Filings Division  
(512) 463-5555

Enclosure



## Office of the Secretary of State

### CERTIFICATE OF FILING OF

OUTDOOR DIRECT CORPORATION  
36658500

[formerly: THE BRINKMANN CORPORATION]

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Amendment for the above named entity has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

Dated: 08/24/2015

Effective: 08/24/2015



A handwritten signature in black ink, appearing to read "Cascos", followed by a horizontal line.

Carlos H. Cascos  
Secretary of State

## **EXHIBIT B**

CERTIFICATE OF AMENDMENT  
TO  
ARTICLES OF INCORPORATION  
OF  
THE BRINKMANN CORPORATION

FILED  
In the Office of the  
Secretary of State of Texas  
AUG 24 2015  
Corporations Section

August 5, 2015

THE BRINKMANN CORPORATION, a corporation organized and existing under the laws of the State of Texas (the "*Corporation*"), does hereby certify that:

1. The original Articles of Incorporation of the Corporation (as amended, the "*Articles*") was filed with the Secretary of State of the State of Texas (the "*Texas Secretary of State*") on September 5, 1975 under the name "THE BRINKMANN CORPORATION."

2. The Corporation hereby amends the Articles by amending and restating in its entirety ARTICLE ONE of the Articles, relating to the name of the Corporation, and, as so amended and restated, such ARTICLE ONE shall read as follows:

"ARTICLE ONE


The name of the corporation is OUTDOOR DIRECT CORPORATION."

3. The amendment effected hereby has been approved in the manner required by the Business Organizations Code of the State of Texas and by the Articles and By-Laws of the Corporation.

*[Signature page follows]*

IN WITNESS WHEREOF, the undersigned has duly executed this Certificate of Amendment to Articles of Incorporation as of the date first written above.

THE BRINKMANN CORPORATION,  
a Texas corporation

By:   
J. Baxter Brinkmann, President

*[SIGNATURE PAGE TO CERTIFICATE OF AMENDMENT TO  
ARTICLES OF INCORPORATION OF THE BRINKMANN CORPORATION]*

Form 9

FORM 9. Certificate of Interest

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

The Brinkmann Corporation v. United States International Trade Commission

No. 2015-1751

**CERTIFICATE OF INTEREST**

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

Petitioner The Brinkmann Corporation certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

Outdoor Direct Corporation (f/k/a The Brinkmann Corporation)

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

Outdoor Direct Corporation (f/k/a The Brinkmann Corporation)

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

J. Baxter Brinkmann International Corporation

4. ☒ The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Sheppard, Mullin, Richter & Hampton, LLP - Gary A. Clark, Bridgette A. Agness, Andrew T. Kim, Nathaniel Bruno, Carrie Ross, and Ariel Fox Johnson

October 7, 2015

Date

/s/ Gary A. Clark

Signature of counsel

Gary A. Clark

Printed name of counsel

Please Note: All questions must be answered

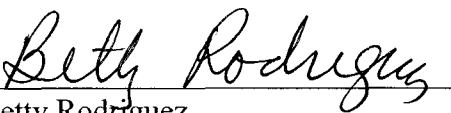
cc: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing THE BRINKMANN CORPORATION'S UNOPPOSED MOTION TO CORRECT THE CASE CAPTION, was served via the Court's CM/ECF system to the parties this **7th** day of **October 2015**:

Cathy Chen, Esq. Attorney Advisor Office of the General Counsel U.S. International Trade Commission 500 E. Street, SW, Room 119 Washington, DC 20436	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Overnight Delivery <input checked="" type="checkbox"/> Via Electronic Mail (cathy.chen@usitc.gov)
<b><i>Counsel for Complainants A&amp;J Manufacturing LLC and A&amp;J Manufacturing, Inc.</i></b>	
V. James Adduci, II Michael L. Doane Thomas R. Burns, Jr. <b>Adduci, Mastriani &amp; Schaumberg, LLP</b> 1133 Connecticut Avenue, NW Washington, DC 20036	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Overnight Delivery <input checked="" type="checkbox"/> Via Electronic Mail: (Char@adduci.com)
Lance D. Reich HAN SANTOS, PLLC 1411 4 <sup>th</sup> Avenue, Suite 760 Seattle, WA 98101	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Overnight Delivery <input checked="" type="checkbox"/> Via Electronic Mail: (lance@hansantos.com)
Robert J. Carlson <b>Lee &amp; Hayes, PLLC</b> 701 Pike Street, Suite 1600 Seattle, WA 98101	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Overnight Delivery <input checked="" type="checkbox"/> Via Electronic Mail: (AJITC895@leehayes.com)
<b><i>Counsel for Respondents Char-Broil, LLC. and Zhejiang Fudeer Electric Appliance Co., Ltd.</i></b>	
John W. Harbin, Esq. <b>Meunier Carlin &amp; Curfman, LLC</b> 999 Peachtree Street, N.E., Ste. 1300 Atlanta, Georgia 30309	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Overnight Delivery <input checked="" type="checkbox"/> Via Electronic Mail: jharbin@mcciplaw.com

<b><i>Counsel for Respondents Outdoor Leisure Products, Inc. and Dongguan Kingsun Enterprises, Co., Ltd.</i></b>	
Michael R. Dzwonczyk Brian K. Shelton Mark Boland <b>Sughrue Mion, PLLC</b> 2100 Pennsylvania Avenue, NW Suite 800 Washington, D.C. 20037	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Overnight Delivery <input checked="" type="checkbox"/> Via Electronic Mail: (L10804@sughrue.com)

  
Betty Rodriguez